

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI (St. Louis)

In Re:	)	HONORABLE Brian C. Walsh
	)	
Tiphanee Elaine Lindsey	)	Case No. 24-41894
	)	Chapter 7
Debtor,	)	
	)	<b>Motion to Lift Stay AND</b>
American Credit Acceptance	)	<b>Notice of Hearing</b>
Movant,	)	
	)	Hearing Date: September 25, 2024
v.	)	Hearing Time: 10:00 a.m.
	)	Objection Deadline: September 18, 2024
Tiphanee Elaine Lindsey	)	
Respondent	)	LEWIS RICE LLC
	)	Michael P. Gaughan
and	)	Attorneys for American Credit Acceptance
	)	10484 Marty Street
Charles W. Riske	)	Overland Park, KS 66212
Trustee.	)	(913) 648-6333
	)	mgaughan@lewisricekc.com

**MOVANT WAIVES 30 DAY HEARING**

**NOTICE OF HEARING  
AND MOTION FOR RELIEF FROM AUTOMATIC STAY**

**WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY SEPTEMBER 18, 2024.**

**YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.**

**The hearing is to be held on the date and time above before The Honorable Brian C. Walsh,**

**in the United States Bankruptcy Court, Eastern District of Missouri, Thomas F. Eagleton Building 111 S. Tenth St., St. Louis, MO 63102, 5<sup>th</sup> Floor, North Courtroom.**

COMES NOW American Credit Acceptance (“Movant”), by and through its attorneys, LEWIS RICE LLC, and for its Motion for Relief from the Automatic Stay, respectfully states as follows:

I.

Movant is a secured creditor of Respondent in the above-captioned cause.

II.

On or about August 4, 2022, and prior to the filing of Debtor’s petition in bankruptcy, Respondent executed and delivered a Retail Installment Contract payable to the order of Movant.

III.

As security for Respondent’s obligation on the Contract, Respondent granted to Movant a security interest in the following property of Respondent: a 2018 Mitsubishi Mirage; VIN ML32A3HJ4JH004997, said Contract is attached hereto as Exhibit “A.” A copy of the Notice of Lien to said motor vehicle is attached hereto as Exhibit “B.”

IV.

Respondent has defaulted on the obligation to Movant in that Respondent failed to make the payments required under the terms of the Contract. Respondent owes Movant the sum of \$16,169.22, plus interest and attorneys’ fees. The Respondent has defaulted in making the contractual payments due the Movant and the current delinquent amount due is \$1,552.36, representing default for two (2) months. Furthermore, the 2018 Mitsubishi Mirage was impounded by 5Star Auto Plaza on July 11, 2024.

V.

Movant will be inadequately protected in the event that the automatic stay is not lifted.

Respondent is unable to make the payments called for in the Contract during the pendency of this bankruptcy. The value of the collateral is declining during the pendency of this bankruptcy. Respondent has no equity in the collateral. The current amount owed to Movant is approximately \$16,169.22, and the current JD Power valuation of the collateral is approximately \$8,600.00. A copy of the JD Power Official Used Car Guide for this particular vehicle is attached hereto as Exhibit "C."

VI.

The continuation of the automatic stay will work real and irreparable harm to Movant and will deprive Movant of adequate protection to which it is entitled under 11 U.S.C. §362 and §363 for the reasons mentioned above.

VII.

The continuation of the automatic stay could result in an unlawful taking of Movant's property.

WHEREFORE, Movant prays for a judgment immediately terminating the automatic stay not subject to the STAY OF ORDER of Rule 4001 of the Federal Rules of Bankruptcy Procedure to permit Movant to exercise any of its rights on the following property: a 2018 Mitsubishi Mirage; VIN ML32A3HJ4JH004997.

LEWIS RICE LLC

/s/Michael P. Gaughan

Michael P. Gaughan, 93625

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ATTORNEYS FOR MOVANT

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served electronically to those parties who have entered an appearance in the Court's Electronic Court Filing (ECF) System(counsel and Trustee) and conventionally, via first-class mail, postage prepaid, to the Debtor at the following address on August 16, 2024.

The Office of the United States Trustee  
111 South Tenth Street, Suite 6353  
St. Louis, MO 63102  
U.S. Trustee

Charles W. Riske  
13321 N. Outer 40 Road Ste. 600  
Town and Country, MO 63017  
Trustee

Tiphanee Elaine Lindsey  
300 Marble St. Apt. 302  
Troy, MO 63379  
Pro Se Debtor

/s/Michael P. Gaughan  
Attorney for Movant

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_____	)	

**EXHIBIT SUMMARY**

Pursuant to L.B.R. 9040-1, the following exhibits are referenced in support of American Credit Acceptance's Motion for Relief from Automatic Stay. Copies of these exhibits will be provided as required by Local Rules:

1. Retail Installment Contract;
2. Notice of Lien; and
3. JD Power.

LEWIS RICE LLC

/s/Michael P. Gaughan

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